

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:16-CV-00301-FL

DAVID DWIGHT MITCHELL, Jr.,)	
)	
Plaintiff,)	
)	
v.)	
)	ORDER
NANCY A. BERRYHILL,)	
Acting Commissioner of)	
Social Security)	
)	
Defendant.)	
_____)	

Plaintiff's counsel filed a motion for approval of attorney fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), seeking fees in the amount of \$24,504.50. Attorney's fees under section 206(b) are paid from past-due benefits awarded to a successful claimant. 42 U.S.C. § 406(b).

Plaintiff was previously awarded attorney's fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, in the amount of \$5,750.00. Plaintiff's motion indicates that the EAJA fees were not paid to Plaintiff's counsel.

Defendant filed a response, stating that under *Gisbrecht v. Barnhart*, 535 U.S. 789 (2002), it is the duty of the Court to determine a reasonable fee.

It is ORDERED that Plaintiff's counsel be awarded fees under 42 U.S.C.
§ 406(b) in the amount of \$ 24,504.50.

SO ORDERED this 31st day of May, 2019.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is written in a cursive, flowing style.

LOUISE W. FLANAGAN
DISTRICT COURT JUDGE